

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

175Q0312

HOUSE HEALTH AND HUMAN SERVICES

ENGROSSED NO. **SB 153** - 3/5/2009

Introduced by: Senators Jerstad, Adelstein, Fryslie, and Merchant and Representatives Nygaard, Engels, Gibson, Jensen, Juhnke, Killer, Kirkeby, Krebs, Lange, and Vanderlinde

1 FOR AN ACT ENTITLED, An Act to provide procedures by which adopted persons may obtain
2 their original birth certificates and the contact preference of birth parents.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 34-25-16.4 be amended to read as follows:

5 34-25-16.4. When a new certificate of birth is established pursuant to §§ 34-25-15 to 34-25-
6 16.2, inclusive, the original certificate of birth together with the adoption information or other
7 evidence upon which a new certificate is made shall be sealed, filed, and may be opened only
8 upon order of a court of competent jurisdiction, or by the secretary of health for purposes of
9 properly administering the vital registration system or for purposes of complying with section
10 2 of this Act.

11 Section 2. That chapter 34-25 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 Any adopted person who is at least eighteen years of age and who was born in this state,
14 such adopted person's attorney, or if such adopted person is deceased, any descendant of such



1 adopted person may obtain a copy of that person's original certificate of birth from the
2 Department of Health by filing a written application with, and providing appropriate proof of
3 identification to, the department. Upon receipt of the written application and proof of
4 identification, the department shall issue to the applicant a noncertified copy of the unaltered
5 original certificate of birth. The department may charge the same fee as provided pursuant to
6 § 34-25-52. The Department of Health may promulgate rules, pursuant to chapter 1-26, for the
7 administration of this section.

8 Section 3. That chapter 34-25 be amended by adding thereto a NEW SECTION to read as
9 follows:

10 A birth parent may state a preference regarding contact by an adopted person. The
11 Department of Social Services shall maintain a registry of this contact preference information
12 and make this information available to the Department of Health for the purposes of this section.
13 The Department of Health shall, when issuing a noncertified copy of the original certificate of
14 birth pursuant to section 2 of this Act, provide to the applicant any contact preference
15 information from the registry for that applicant.